
HOUSE BILL 2101

State of Washington 61st Legislature 2009 Regular Session

By Representatives Condotta, McCune, Kristiansen, Hope, Roach,
Warnick, and Pearson

Read first time 02/10/09. Referred to Committee on Transportation.

1 AN ACT Relating to increasing distributions of off-road vehicle
2 moneys; amending RCW 46.10.170 and 79A.25.070; reenacting and amending
3 RCW 46.09.170; providing an effective date; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 46.09.170 and 2007 c 522 s 953 and 2007 c 241 s 16
6 are each reenacted and amended to read as follows:

7 (1) From time to time, but at least once each year, the state
8 treasurer shall refund from the motor vehicle fund one percent of the
9 motor vehicle fuel tax revenues collected under chapter 82.36 RCW,
10 based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle
11 fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per
12 gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007;
13 (c) twenty-one cents per gallon of motor vehicle fuel from July 1,
14 2007, through June 30, 2009; (d) (~~twenty-two~~) thirty-six cents per
15 gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011;
16 and (e) (~~twenty-three~~) thirty-seven and one-half cents per gallon of
17 motor vehicle fuel beginning July 1, 2011, and thereafter, less proper
18 deductions for refunds and costs of collection as provided in RCW
19 46.68.090.

1 (2) The treasurer shall place these funds in the general fund as
2 follows:

3 (a) Thirty-six percent shall be credited to the ORV and nonhighway
4 vehicle account and administered by the department of natural resources
5 solely for acquisition, planning, development, maintenance, and
6 management of ORV, nonmotorized, and nonhighway road recreation
7 facilities, and information programs and maintenance of nonhighway
8 roads;

9 (b) Three and one-half percent shall be credited to the ORV and
10 nonhighway vehicle account and administered by the department of fish
11 and wildlife solely for the acquisition, planning, development,
12 maintenance, and management of ORV, nonmotorized, and nonhighway road
13 recreation facilities and the maintenance of nonhighway roads;

14 (c) Two percent shall be credited to the ORV and nonhighway vehicle
15 account and administered by the parks and recreation commission solely
16 for the acquisition, planning, development, maintenance, and management
17 of ORV, nonmotorized, and nonhighway road recreation facilities; and

18 (d) Fifty-eight and one-half percent shall be credited to the
19 nonhighway and off-road vehicle activities program account to be
20 administered by the board for planning, acquisition, development,
21 maintenance, and management of ORV, nonmotorized, and nonhighway road
22 recreation facilities and for education, information, and law
23 enforcement programs. The funds under this subsection shall be
24 expended in accordance with the following limitations:

25 (i) Not more than thirty percent may be expended for education,
26 information, and law enforcement programs under this chapter;

27 (ii) Not less than seventy percent may be expended for ORV,
28 nonmotorized, and nonhighway road recreation facilities. Except as
29 provided in (d)(iii) of this subsection, of this amount:

30 (A) Not less than thirty percent, together with the funds the board
31 receives under RCW 46.09.110, may be expended for ORV recreation
32 facilities;

33 (B) Not less than thirty percent may be expended for nonmotorized
34 recreation facilities. Funds expended under this subsection
35 (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation
36 facilities funds; and

37 (C) Not less than thirty percent may be expended for nonhighway
38 road recreation facilities;

1 (iii) The board may waive the minimum percentage cited in (d)(ii)
2 of this subsection due to insufficient requests for funds or projects
3 that score low in the board's project evaluation. Funds remaining
4 after such a waiver must be allocated in accordance with board policy.

5 (3) On a yearly basis an agency may not, except as provided in RCW
6 46.09.110, expend more than ten percent of the funds it receives under
7 this chapter for general administration expenses incurred in carrying
8 out this chapter.

9 (4) During the 2007-09 fiscal biennium, the legislature may
10 appropriate such amounts as reflect the excess fund balance in the NOVA
11 account to the department of natural resources for planning and
12 designing consistent off-road vehicle signage at department-managed
13 recreation sites, and for planning recreation opportunities on
14 department-managed lands in the Reiter block and Ahtanum state forest.
15 This appropriation is not required to follow the specific distribution
16 specified in subsection (2) of this section.

17 **Sec. 2.** RCW 46.10.170 and 2003 c 361 s 408 are each amended to
18 read as follows:

19 From time to time, but at least once each four years, the
20 department shall determine the amount of moneys paid to it as motor
21 vehicle fuel tax that is tax on snowmobile fuel. Such determination
22 shall use one hundred thirty-five gallons as the average yearly fuel
23 usage per snowmobile, the number of registered snowmobiles during the
24 calendar year under determination, and a fuel tax rate of: (1)
25 Nineteen cents per gallon of motor vehicle fuel from July 1, 2003,
26 through June 30, 2005; (2) twenty cents per gallon of motor vehicle
27 fuel from July 1, 2005, through June 30, 2007; (3) twenty-one cents per
28 gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009;
29 (4) (~~twenty-two~~) thirty-six cents per gallon of motor vehicle fuel
30 from July 1, 2009, through June 30, 2011; and (5) (~~twenty-three~~)
31 thirty-seven and one-half cents per gallon of motor vehicle fuel
32 beginning July 1, 2011, and thereafter.

33 **Sec. 3.** RCW 79A.25.070 and 2003 c 361 s 409 are each amended to
34 read as follows:

35 Upon expiration of the time limited by RCW 82.36.330 for claiming
36 of refunds of tax on marine fuel, the state of Washington shall succeed

1 to the right to such refunds. The director of licensing, after taking
2 into account past and anticipated claims for refunds from and deposits
3 to the marine fuel tax refund account and the costs of carrying out the
4 provisions of RCW 79A.25.030, shall request the state treasurer to
5 transfer monthly from the marine fuel tax refund account an amount
6 equal to the proportion of the moneys in the account representing a
7 motor vehicle fuel tax rate of: (1) Nineteen cents per gallon of motor
8 vehicle fuel from July 1, 2003, through June 30, 2005; (2) twenty cents
9 per gallon of motor vehicle fuel from July 1, 2005, through June 30,
10 2007; (3) twenty-one cents per gallon of motor vehicle fuel from July
11 1, 2007, through June 30, 2009; (4) (~~twenty-two~~) thirty-six cents per
12 gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011;
13 and (5) (~~twenty-three~~) thirty-seven and one-half cents per gallon of
14 motor vehicle fuel beginning July 1, 2011, and thereafter, to the
15 recreation resource account and the remainder to the motor vehicle
16 fund.

17 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and takes effect
20 July 1, 2009.

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